

**2010-SX-009**

**Project Name:** n/a

**Applicant and/or  
Property Owner:** Peter & Sally Mitten

**Business:** n/a

**Representative:** n/a

**Request:** Special Exception to permit a boat engine repair (commercial use) in conjunction with residential uses within an Agriculture zoning district

(LDC 2.04.00.C.5)

**Zoning District:** AG (Agriculture)

**ZBOA Decision:** Approved with conditions 4 – 0,  
December 2, 2010

**Conditions of the approval:**

- (1) hours of operation are limited to Monday through Friday from 8 am to 5 pm; and
- (2) there may be no more than 3 boats on the property at any given time other than the applicants' personal watercraft.

**Appellant:** Jim Lawrence

**RECEIVED**

DEC 16 2010

**SANTA ROSA COUNTY  
PLANNING & ZONING**

NORTHWEST FLORIDA OUTBOARD MACHINE SHOP  
1545 BELL CREEK ROAD  
JAY, FLORIDA 32565  
850-995-8622  
FAX 850-996-8623

Date : December,15 2010

OWNER JIM LAWRENCE

SUBJECT: MOTION TO APEAL

BOARD OF ADJUSTMENT  
2010-SX-009

Special Exception to permit a boat engine repair(commercial use) in conjunction with residential uses within an agriculture zoning district (LDC 2.04.00.C.5)

Zoned: AG (agriculture)  
Proj./applicant: Peter & Sally Mitten  
Proj. location 1359 bell creek Road, Jay  
Parcel # 04-3n-30-0000-00916-0000  
District: Commissioner District #3.

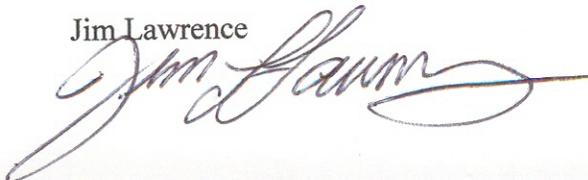
COMES NOW, JIM LAWRENCE and says that the Mittens have understated their intentions to do business from their property. They have and are currently advertising their business ( ANCHORS AWAY ) on the internet, as a FULL SERVICE SHOP . They stated at the Board Of Adjustment there would be NO customer traffic on or off of their property. The Board Of Adjustment removed the need for handicap parking or bathroom facility's for the handicap and parking. Etc.. I was required to have many restrictions placed on NORTHWEST FLORIDA OUTBOARD MACHINE SHOP to have a like service repair and engine rebuilding SHOP on my property, just four or five hundred feet from their shop location.

The Mittens only have limited excess to there property, across my driveway and the additional impact of large trucks, heavy boats and trailers, daily deliveries, of parts by UPS and other companies, will leave me with addition cost to maintain the driveway.

I ask the board of Commissioners to place the same requirements, on the Mittens as you placed on Northwest Florida Outboard Machine Shop.

Thanking you in advance,

Jim Lawrence



**BOCC Data & Analysis  
January 27, 2010**

**Special Exception 2010-SX-009**

**I. Applicant:**

Peter & Sally Mitten

**II. Request:**

Special Exception to permit a boat engine repair (commercial use) in conjunction with residential uses within an Agriculture zoning district

Note: The Zoning Board of Adjustments approved the Special Exception request with the following conditions:

- (1) hours of operation are limited to Monday through Friday from 8 am to 5 pm; and
- (2) there may be no more than 3 boats on the property at any given time other than the applicants' personal watercraft.

**III. Proposed Location:**

1539 Bell Creek Road, Pace; on the south side of Bell Creek Road west of Chumuckla Springs Road north of Highway 182 and west of Chumuckla Highway in the Chumuckla community (Parcel number 04-3N-30-0000-00916-0000)

**IV. Special Exceptions:** To hear and decide special exceptions to the terms of this ordinance. The Board is hereby authorized to grant special exceptions in appropriate cases and with appropriate safeguards, to authorize the use of a premises for a purpose not generally permitted within the district in which said premises is located, or to interpret specific provisions of this ordinance expressed in this Section whenever it finds sufficient facts to demonstrate to its satisfaction that such exception if granted would be substantially in harmony with the general purpose and intent of this ordinance.

The authority to decide special exceptions is limited to the following cases:

5. To permit a limited range of commercial uses strictly in conjunction with residential uses in Agricultural districts only and located on the same lot and limited to the following provisions:

- a. Maximum number of employees other than family members limited to four (4).

**Is this criterion met?**

**Staff Analysis:** The applicant intends to be the sole employee with the exception of times when assistance is required due to the size of the equipment or tools requires.

**BOCC Data & Analysis  
January 27, 2010**

- |  |   |
|--|---|
| b. The maximum sized structure allowed for commercial uses limited to 1,200 square feet of total gross floor area.   | <p style="text-align: center;"><b>Is this criterion met?</b></p> <p><b>Staff Analysis:</b> The proposed use will be within a building 900 square feet in size.</p>  |
| c. Commercial activities limited to: woodworking, welding, professional services such as day care, modeling, dancing, and photography studios, hair care and similar services, plumbing and electrical contractors and similar services, and limited retail sales. | <p style="text-align: center;"><b>Is this criterion met?</b></p> <p><b>Staff Analysis:</b> The proposed use is a boat engine repair business. The applicants have stated that the majority of the work done by his business is off-site; however there is a need to bring various components to their personal workshop for repair from time to time.</p> |
| d. Insure the health, safety and welfare of the surrounding community by imposing additional, reasonable safeguards as it shall deem appropriate.  | <p style="text-align: center;"><b>Is this criterion met?</b></p> <p><b>Staff Analysis:</b> This Board may stipulate conditions deemed necessary to protect the health, safety, and welfare of those within the surrounding area. This project will not be reviewed through the Commercial Site Plan process.</p>  |

**V. Criteria:**

Santa Rosa County Land Development Code, Article 2.04.00.C.5.

**Presentation Slides**  
**December 2, 2010, ZBOA Meeting**



The entrance into the property;  
this is the access easement  
leading through the adjacent  
property



The property adjacent to the  
right of the entrance



Bell Creek Road looking east  
toward Chumuckla Springs  
Road

**Presentation Slides**  
**December 2, 2010, ZBOA Meeting**



Across Bell Creek Road to the northeast



The property across Bell Creek Road to the northwest



Bell Creek Road looking west

**Presentation Slides**  
**December 2, 2010, ZBOA Meeting**



The adjacent properties to the north and east



The adjacent residence to the east;



This the southern portion of the subject property with the entrance into the site to the right of the center of the screen

**Presentation Slides**  
**December 2, 2010, ZBOA Meeting**



The subject property

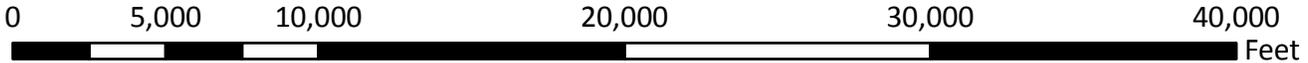
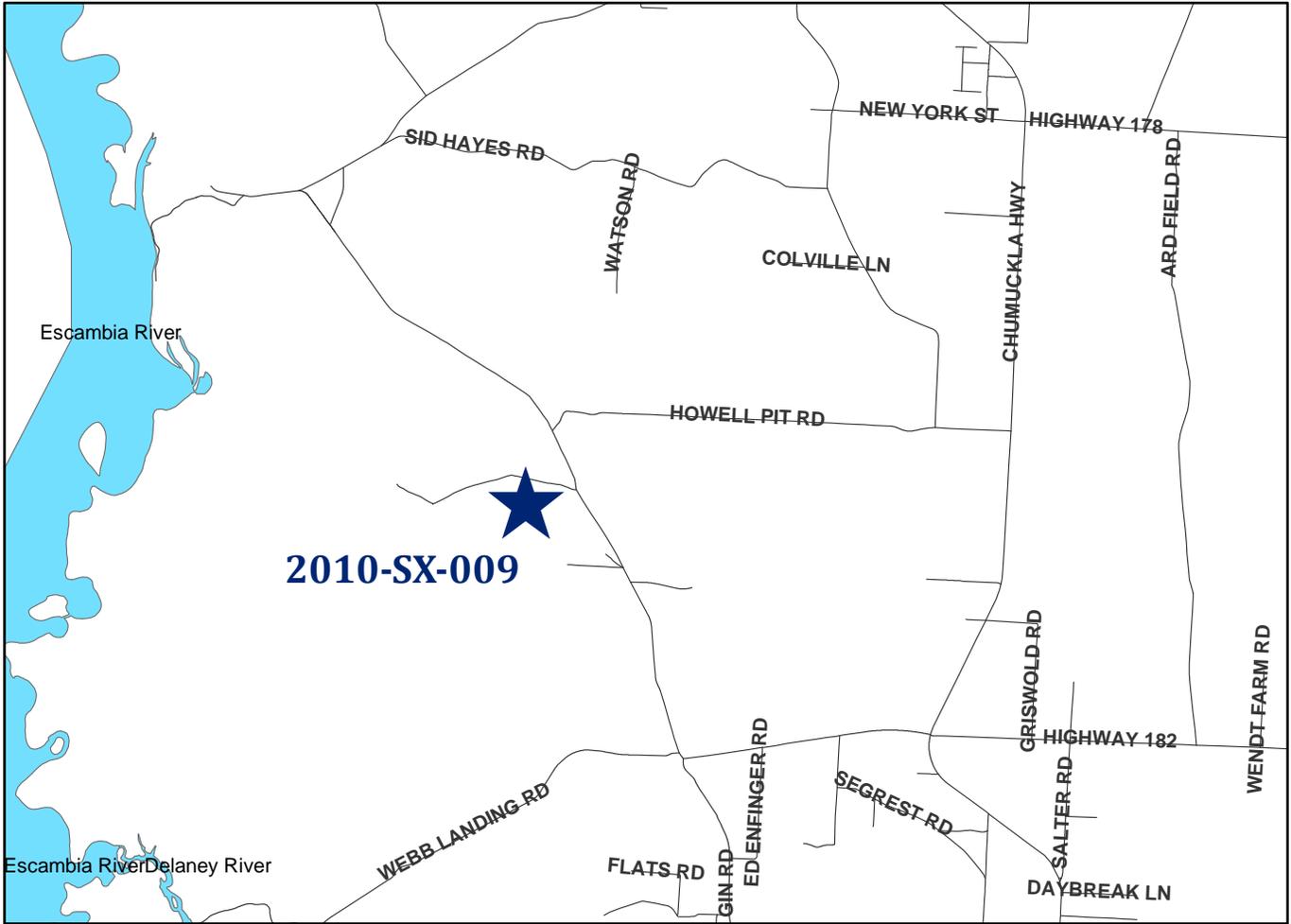


The proposed building where the activity will take place



The residence on the site; the accessory building seen in the previous slide is to the left of this shot

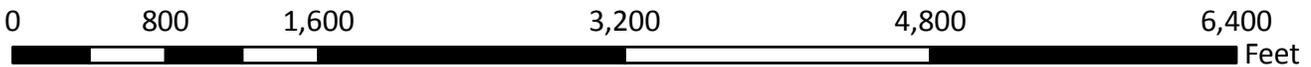
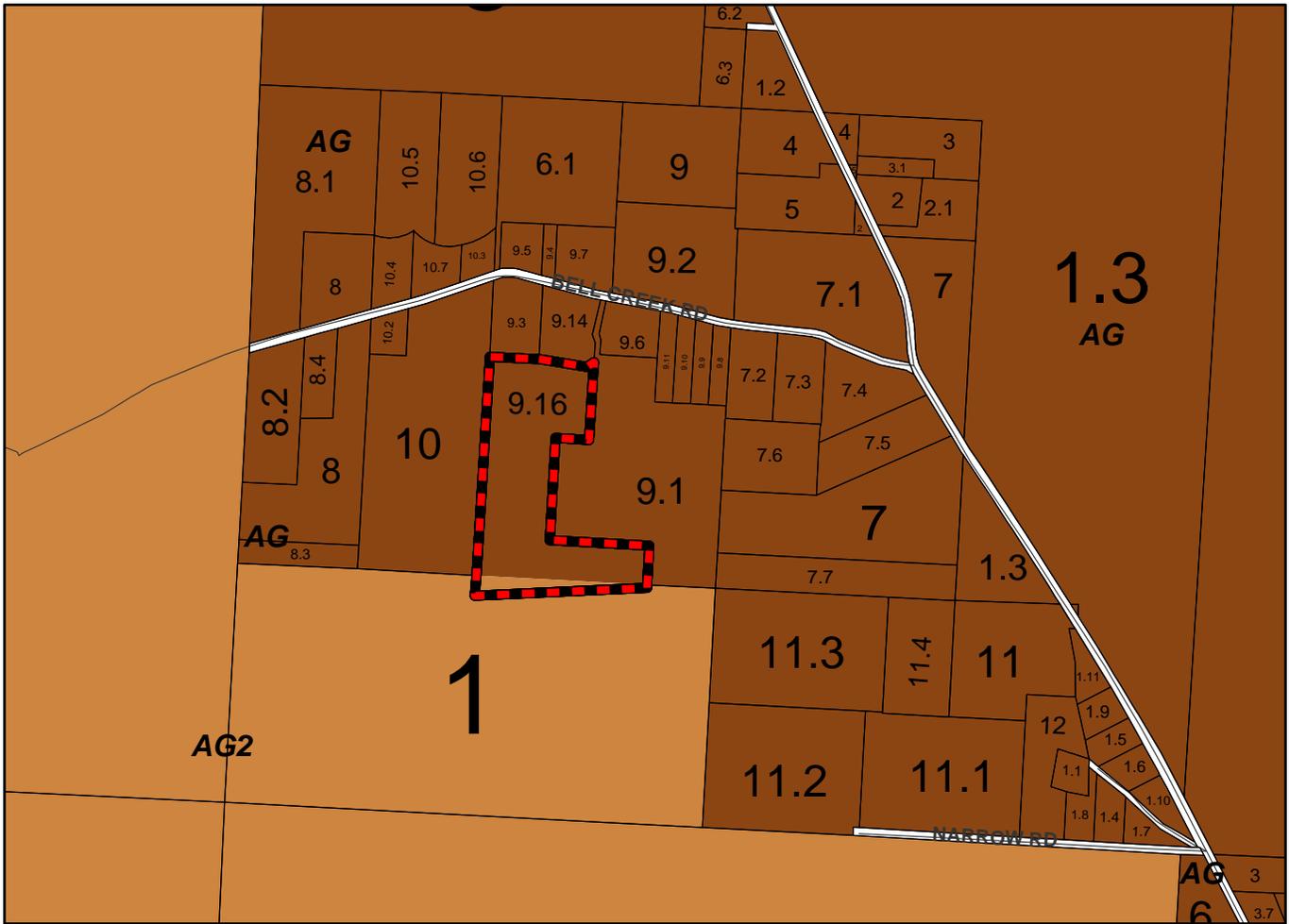
# Location



## Legend

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# Zoning



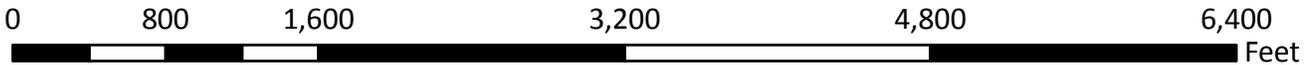
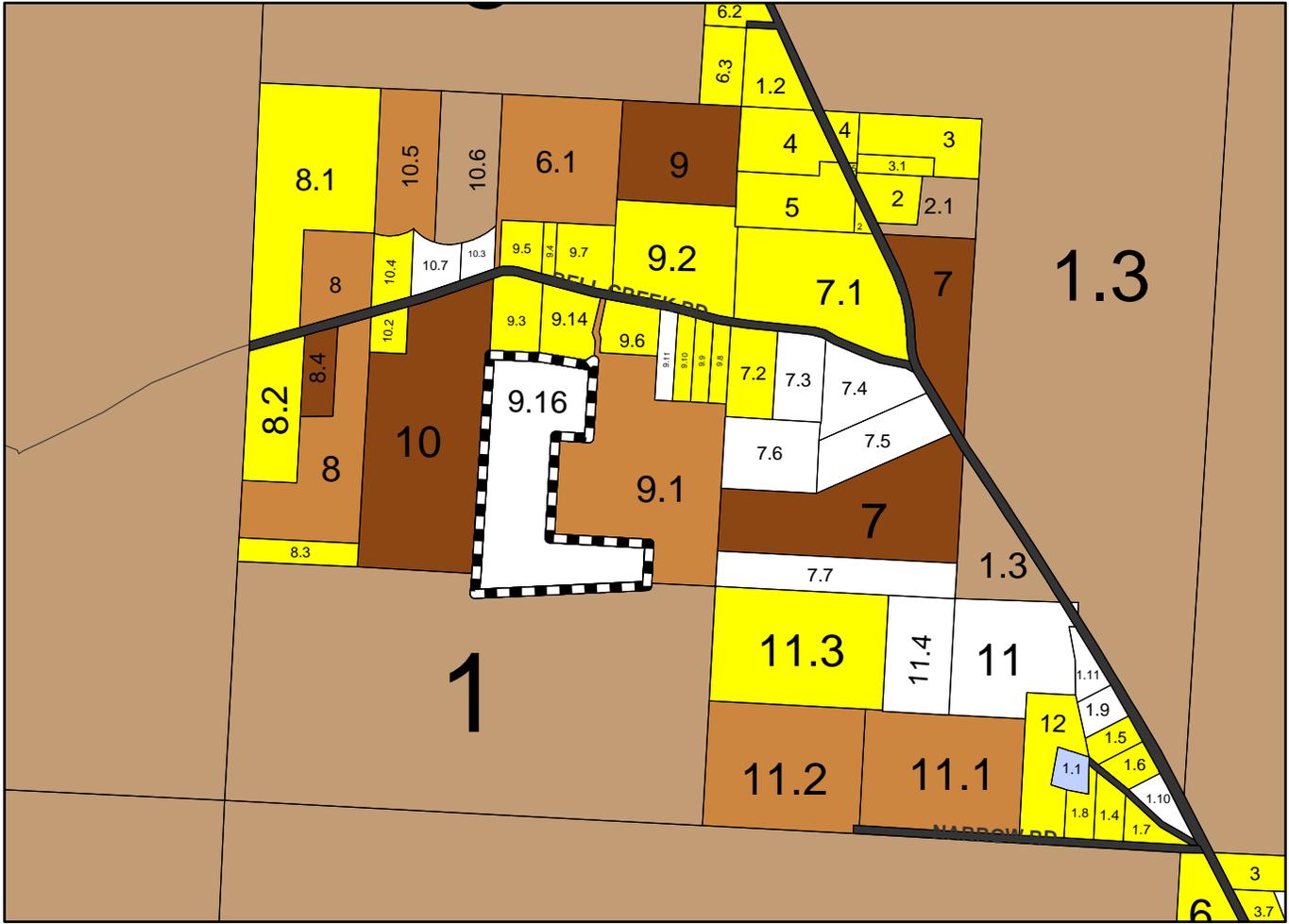
## Legend

- |   |   |   |   |
|---|---|---|---|
| PendingBOA                                      | M1 within the Heart of Navarre (M1-HON)       | R1 within the Heart of Navarre (R1-HON)         | Navarre Beach - Commercial                          |
| Agriculture/Rural Residential (AG)              | General Industrial (M-2)                      | Single Family Residential (R-1A)                | Hotel - Navarre Beach                               |
| AG within an Accident Potential Zone (AG-APZ)   | M2 within an Accident Potential Zone (M2-APZ) | Mixed Residential Subdivision (R-1M)            | Navarre Beach - High Density                        |
| Agriculture (AG2)                               | Planned Industrial Development (PID)          | R1M within an Accident Potential Zone (R1M-APZ) | Navarre Beach - Medium Density                      |
| AG2 within an Accident Potential Zone (AG2-APZ) | Neighborhood Commercial (NC)                  | R1M within the Heart of Navarre (R1M-HON)       | Navarre Beach - Planned Mixed Use Development       |
| Marina (C-1M)                                   | NC-APZ  | Medium Density Residential (R-2)                | Navarre Beach - Conservation/Recreation             |
| Marina and Yacht Club (C-2M)                    | NC within the Heart of Navarre (NC-HON)       | R2 within an Accident Potential Zone (R2-APZ)   | Navarre Beach - Single Family                       |
| Historical/Commercial (HC-1)                    | Passive Park (P-1)                            | R2 within the Heart of Navarre (R2-HON)         | Navarre Beach - Medium High Density                 |
| Highway Commercial Development (HCD)            | P1 within the Heart of Navarre (P1-HON)       | Medium Density Mixed Residential (R-2M)         | Navarre Beach - Utilities                           |
| HCD within an Accident Potential Zone (HCD-APZ) | Active Park (P-2)                             | R2M within an Accident Potential Zone (R2M-APZ) | State   |
| HCD within the Heart of Navarre (HCD-HON)       | P2 within an Accident Potential Zone (P2-APZ) | R2M within the Navarre Town Center (R2M-NTC)    | State within an Accident Potential Zone (STATE-APZ) |
| HCD with the Navarre Town Center (HCD-NTC)      | P2 within the Heart of Navarre (P2-HON)       | Medium High Density Residential (R-3)           | RAIL  |
| Historical/Single Family (HR-1)                 | Planned Business District (PBD)               | Rural Residential Single Family (RR-1)          | Right of Ways                                       |
| Historical/Multiple Family (HR-2)               | Planned Unit Development (PUD)                | RR1 within an Accident Potential Zone (RR1-APZ) | Military  |
| Restricted Industrial (M-1)                     | Single Family Residential (R-1)               | Navarre Town Center 1 (TC1)                     | Water   |
| M1 within an Accident Potential Zone (M1-APZ)   | R1 within an Accident Potential Zone (R1-APZ) | Navarre Town Center 2 (TC2)                     | Municipal Boundaries                                |

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# Existing Land Use



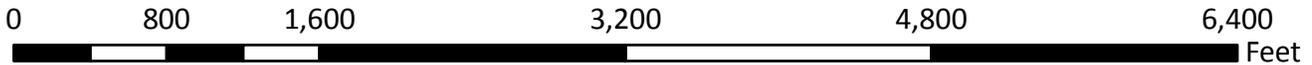
## Legend

- |                          |                              |                           |
|--------------------------|------------------------------|---------------------------|
| Pending BOA              | Institutional                | Recreation/Open Space     |
| <b>Existing Land Use</b> | Multi-Family Residential <5  | Right of Way              |
| <b>CATEGORY</b>          | Multi-Family Residential >5  | Single Family Residential |
| Agriculture              | Military                     | Silviculture              |
| Agriculture, Homestead   | Mixed Residential/Commercial | Uncategorized             |
| Condo's/Townhomes        | Office                       | Utilities                 |
| City                     | Public Owned Property        | Vacant                    |
| Commercial               | Rail                         | Water                     |
| Industrial               | Recreation/Commercial        |                           |

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# Future Land Use



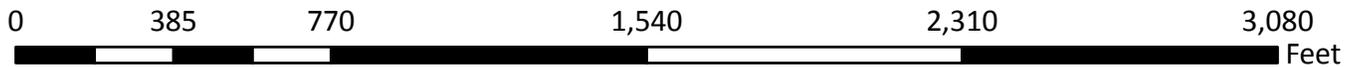
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Pending BOA	GP RURAL RESIDENTIAL (GPRR)	NAVARRE BEACH MEDIUM DENSITY RESIDENTIAL (NBMDR)
AGRICULTURE (AG)	BAGDAD HISTORIC DISTRICT (HIS)	NAVARRE BEACH MEDIUM/HIGH DENSITY RESIDENTIAL (NBMDR)
SINGLE FAMILY RESIDENTIAL (SFR)	INDUSTRIAL (INDUS)	NAVARRE BEACH HIGH DENSITY RESIDENTIAL (NBHDR)
MEDIUM DENSITY RESIDENTIAL	MARINA (MARINA)	NAVARRE BEACH MIXED RESIDENTIAL/COMMERCIAL (NBMR)
RESIDENTIAL (RES)	MILITARY (MIL)	NAVARRE BEACH UTILITIES (NBU)
COMMERCIAL (COMM)	MIXED RESIDENTIAL COMMERCIAL (MRC)	CITY
CONSERVATION/RECREATION (CON/REC)	NAVARRE BEACH COMMERCIAL (NBCOMM)	RAIL
GP SINGLE FAMILY RESIDENTIAL (GPSFR)	NAVARRE BEACH LOW DENSITY RESIDENTIAL (NBLDR)	WATER

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# Aerial

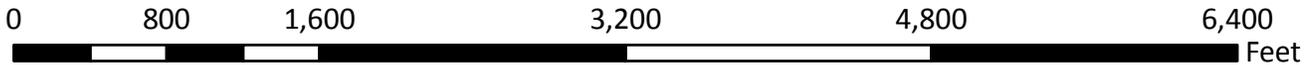
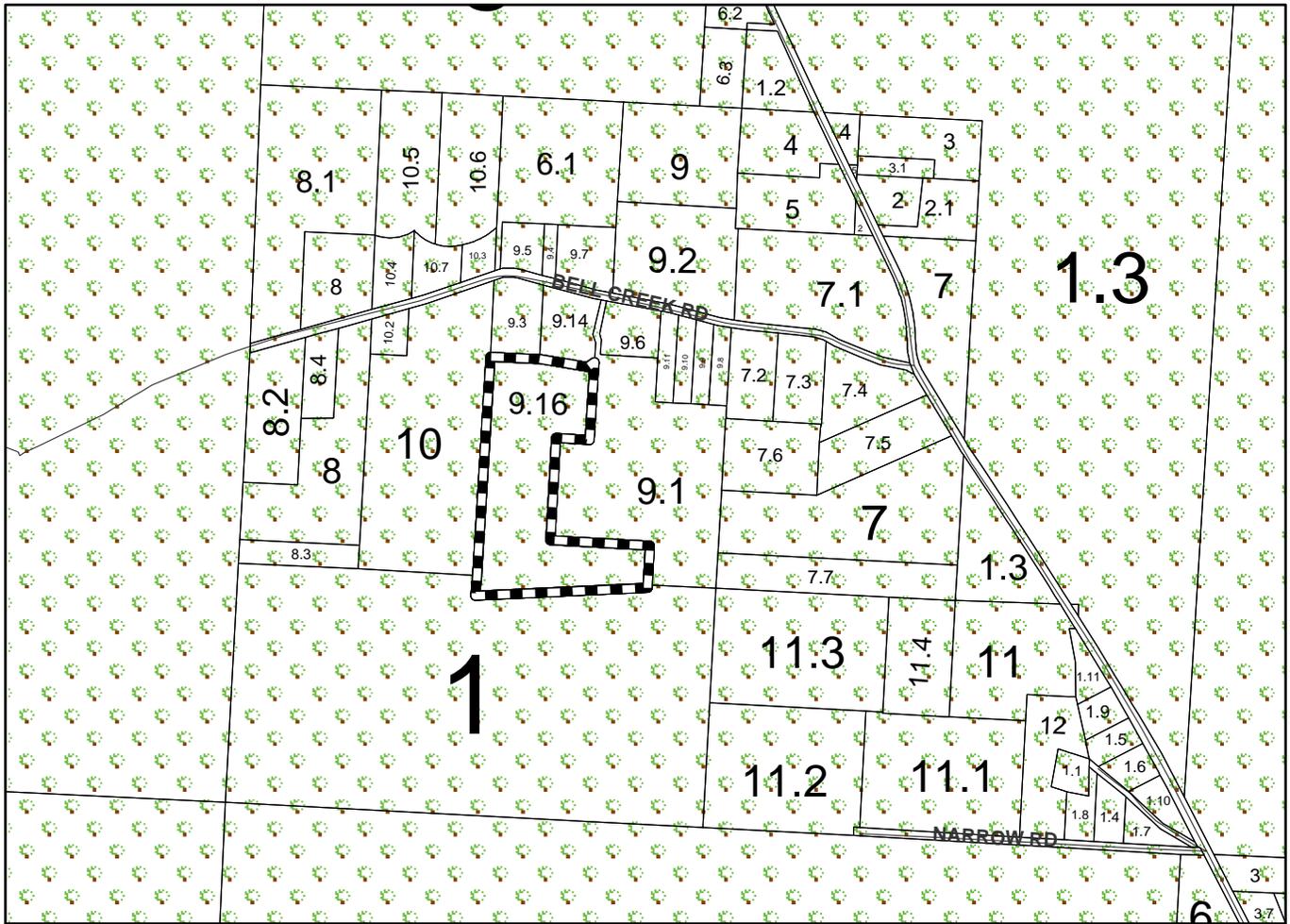


## Legend



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# Rural Protection Zone Data



## Legend

-  PendingBOA
-  RDP Crossroad Communities
-  RPZ Boundary
-  RPZ Transition Area

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## Leslie Statler

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**From:** SAM [sallyshoppe2004@aol.com]  
**Sent:** Wednesday, January 05, 2011 7:53 PM  
**To:** Commissioner Lynchard  
**Cc:** Commissioner Williamson; Commissioner Cole; Commissioner Salter; Commissioner Jim Melvin; Leslie Statler; LaVerne Frye  
**Subject:** Ref. Special Permit request appeal filed for January 27, 2011  
**Attachments:** Special Permit Appeal Letter Jan 27 2011.pdf

I was advised by the Planning/Zoning Division that I should make an appointment and see you, but your office advised us it would be better if we email you in reference to our permit that was approved on the last meeting in December 2<sup>nd</sup>, 2010, but it was appeal by Mr. & Mrs. Lawrence, please see attached pdf. File letter to us that an appeal was filed for the meeting on January 27, 2011.

I didn't want to bring all this past problems to your attention and I'm sorry I had to but we had no alternative to let you know exactly what has happened over the last year since we moved to NW Florida, please aloud me to let you know a little bit about us and where we coming from and what's been happening since July/2009 and what we need to accomplish so my husband can continue working and legally able to accomplish his work and bring the bread home.

We purchase this 17 acres back in August/2009 from Roger Harris which is our only home and land and our only resource at 1539 Bell Creek Rd. in Jay, right after my husband aunt & uncle, Mr. & Mrs. Lawrence offered my husband a job at their shop next to our property to be in charge of the shop and for future partnership with a salary of \$1,200.00 wkly plus monthly & Yearly Bonuses, we left South Florida in the summer/2009 where my husband was self employed as a boat mechanic with a very reputable clientele from West Palm beach to Key West and I was working for Dade County Finance Dept. in Miami for 25 years, I was involved voluntary in non-profit Hostos dining for elderly, homeless program Camilus House, single parent children after school activities programs to teach them about nature and animals, this is where we both grew and made our life, beside been a Yorkie Breeder and painting my canvas and traveling to Central and South America.

The first two weeks was the only ones my husband got paid what was promised, Three month after my husband started at their shop, issues were occurring, disagreements, problems, family drama that didn't had anything to do with my husband job and duties, Mrs. Lawrence commented to me they could not afford my husband salary, that's fine he needs the job, things were rapidly going down, ways of duties that my husband will not agree and I do not want to mention or get involved at this time, if we knew before, we would never had accepted their job offered and in no way my husband would work under certain conditions that we were not aware and things that we completely disagree and are against and is un-call for. All during this 3 month they brainwash my husband, needless to say taking him out of the shop to another building location that his uncles were leasing, making my husband pay the utility expenses, but my husband accepted cause we thought it was better to be out of the problems and drama, we need it to bring the bread home and pay bills. He only received in a period of 3 month 2 small jobs from his uncles, my husband had to take his tools and close that location last Jan/2010. Peter was again working back at the main shop, doing other task and deliveries and pickups, they demoted him when my husband has 26 years experience and is Certified as Outboard Engine Master Tech with Yamaha Motor Co. Georgia, but we are new in town, they are my husband family and Peter always wanted to help, we need it the income which most weeks he will get paid \$300.00 or maybe once \$500.00, my husband would work from 7:30 am sometimes he would not leave their shop until 7:00 or 8:00 pm, 12 and 13 hours a day, making them or saving them a good substantial amount of money to their business fixing all the engines coming back and blownd, once or twice a week he had to do delivery & pickups overnights to other states, 150 miles or more which he was paid 150.00 dollars a trip, but

is bread in our table, I always kept telling my husband to please leave his family shop, to cut the umbilical cord that they have anchor him and using his services without paying, that he should be working for himself like before.

We need it to get an storage building in our property for all our tools and equipment we owned they were getting damage been most of them outside covered only with tarps; took us a year to be able to have this storage, beginning of summer/2010, finally in July 2010 the building was up and finished with permit, the following weekend his uncles took pictures of the storage building in our property, without our consent, needless to say that Monday morning his uncle fired my husband from his job, I was in a way happy my husband was not going to be involved with them any longer, they did not wanted my husband to succeed and work for himself or have side jobs or has his own company like his grandmother suggested, of course they were not going to admitted and tell him the truth, instead they told my husband he was fired because he smoke in his company truck during a delivery over the weekend which my husband is a smoker and has advised them always he smokes driving and they knew he was a smoker, all they have done is under minding my husband for all throughout the year and used him for their own interest. After my husband was fired, the following week we heard and were visited by a few of his former employees, that they were told by Mr. Lawrence to all of them and a few other people including family that they fired my husband because he smoked a substance in their company truck and he was a junky, and if anyone working at his shop had any visitation with us in our property or speak to us they will be fired immediately, 3 of their employees working at the shop pick up their tools and left, this was uncalled for and a total defamation of character with no prove that my husband was at fault and no need for people to be put through this situations to loose their jobs when they have a family to feed and bills to pay.

Shortly after July/2010, as the saga continues and trying to dry most of our frontage lake, they call anonymous the county inspector permit dept. on our property, stating that we were running a business at our storage building and that we were building inside the house with no permit too, again our house was all build up when we purchase it, we did some changes on the bathrooms with some of our savings, making closets and cabinets and doors just cosmetic work doing the work our self, the inspector inspected everything, did his work, could not proved any business or any wrong doing in our property in fact he told us that storing and cleaning his tools and preparing parts and loading his trailer he did not need it a permit but if we ever in the future have one boat in the building that we getting paid for work done, we do need a special permit, inspector further suggested we should go and applied for the special permit in the event we have to bring a boat in the future or engines parts to work on even if it is one, and this way we will be within the compliance rules and would keep his uncles away from causing us further problems.

This is why it all came down to this email to you, the commissioners. The Planning/Zoning Dept. approved our special permit voting all yes back in December 2<sup>nd</sup> 2010, Needless to say Mr. & Mrs. Lawrence continue to be against my husband and me making a living, even though they have move their home and shop away and Leasing their property with option to buy to a new family.

All we are asking is to continue and be able to give dockside job services to our clients, to be able to prepare and store our parts and tools in our building so we can bring home the bread, that we will not in any way performed any type of business in our property that will damage or make any impact or changes to our land or our neighbors or any mayor noise after hours, that any job that has to bring in for mounting or put it together or apart will be done inside the self contained building at the specified working hours and in no way will disturb any surrounding neighbors, land or animals, that two days in the week we need his contracted helper to assist him on putting things together and prepare his tools, storage, load trailer, clean and organized when there's no dockside job to do, we do not have clients coming in our property, that clients are aware and know our property address for the purpose of contacting us and any mail and reference, that most of the jobs are where the boat is been kept and we do not have employees in our property other than my husband himself and from time to time he needs his contracted assistant when there's any heavy load or need to load trailer, that we do not have any intentions to compete with no other business or persons, that we want everyone to understand that this is a different type of business from any

surround Commercial Boat Shops next to us and we do not have the finance power to open a full commercial Boat Shop at a commercial facility, that in the future our business grows in a substantial amount and finances are available we will go full commercial location, at this time, Peter Mitten my husband, works as self employed, and uses his residential storage building in our 17 acres for storing, keep parts and tools and equipments. My husband is at the present away in Georgia where he was privately contracted on a big engines job.

We further in any way don't ever want any business or relation or any link with Mr. & Mrs. Lawrence in business, privately or family that would make a confrontation or issues, we just want them to leave us alone and stop the non-sense, we have nothing to do with them or their business shop in anyway and/or comparison to the type of business they run.

We ask you to give us the chance to keep working hard to make a living in our own property but contained, well kept and environmentally friendly We are keeping our self busy at this time and give back to nature and people, we are not here to make our self rich but to survive, make a living, help each other and our community, make our property better and beautiful for our future.

My husband has joined the amazons organization and has donated time to help the cripple handicap children in all our neighbor towns, I'm a member of the Arbor Organization and the Sierra Club for support of keeping wildlife and state Parks alive and conserved, I officially arbor sitting eleven important trees for our environment here in our property to grow in NW Florida and will be planted in our own property after next fall which where already were delivered and I'm taking care, beside 69 cypress already planted which Mr. Gene Miller our neighbor is the head project in charge and which he takes much pride and he's been so important in my project and support to us in this ruffs times in keeping our property the best as possible for the future of environment and wildlife here in this land.

I hope this explains things more clearly to you for who we are and what we want to accomplish and more or less what happened if there's any doubt or questions of what is happening and why things are gotten this far. Please if we can speak to any of you or clarified anything in person before January 27, 2011, please let us know as soon as possible.

Thank you for all your cooperation and help in this matter

Sally & Peter Mitten, Dockside Boat Repair for Anchor's Away

1539 Bell Creek Rd. Jay, FL 32565 Cell # 850-698-4382



# Santa Rosa County Development Services



Beckie Cato, AICP  
Planning and Zoning Director

Tony Gomillion  
Public Service Director

John T. "Tim" Tolbert  
Building and Fire Official

## Special Exception Application

\* Application Instructions begin on Page 3

** For Official Use Only **	
Application No. <u>2010 -SX - 009</u>	Date Received: <u>10/19/2010</u>
Review Fee: <u>258.85</u>	Receipt No.: <u>281 &amp; 269</u>
Zoning District: _____	Special Exception
FLUM Designation: _____	Request: <u>2.04.00.C.</u>

*Common Dist 3*

**Property Owner** Property Owner Name: Peter Mitten & Wife Sally Mitten  
 Address: 1539 Bell Creek Rd.  
Jay, FL 32565  
 Phone: 850-698-4382 Fax: 850-994-1891  
 Email: sallyshoppe2004@aol.com

**Applicant**  Check here and skip this section if the applicant is the Property Owner. Otherwise, complete this section and provide authorization from the Property Owner giving the Applicant the authority to pursue special exception approvals.

Company: \_\_\_\_\_  
 Contact Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Property Information** Parcel ID Number(s): 04-31-30-0000-00916-0000  
 -OR-  
 Street Address of property for which the Conditional Use is requested :  
SAME AS ABOVE  
 Parcel Size (acres): 17.1 ACRES

What is the present use of the property? HOME

**Special  
Exception  
Request**

Describe the Special Exception request. My husband is self employed, (Mobil Service)

he does Docksido work on Boats Repairs & Services our Company name is ANCHOR'S AWAY BOAT REPAIR & SERVICES, from time to time He has to PUT PARTS TOGETHER ON AN ENGINE OR PREPARE HIS WORK OR tools & Equipments and he will BE USING OUR STORAGE STEEL BLDG.

Please read the attached special exception provisions carefully and explain how your request addresses each of the pertinent criteria. Attach additional pages if necessary.

5. a) I will BE THE MAIN EMPLOYEE, POSSIBLE WILL BE HAVING SOMEONE HELP ME SOMETIMES WHEN HEAVY EQUIPM. OR TOOLS HAD TO BE PUT TOGETHER AND LOADED ON TRAILER

b) My Storage Building at Home is enclosed 900' FT TOTAL approx. 18' FT HEIGHT

c) PROFESSIONAL SERVICES DOCKSIDE, MANUAL WORK, MECHANICAL ON ENGINES & PARTS, TO PREPARED THEM TO TAKE TO SITE

d) My Building HAS BEEN INSPECTED & PERMITS LAST JUNE/2010

I understand that all decisions made by the Zoning Board of Adjustments are subject to appeal and that their decision does not become effective until the appeal time has successfully passed.

Yes

No

I understand that approval by the Zoning Board of Adjustment does not authorize construction and/or land clearing to occur on this site and that additional approvals requirements and Building Permits may be required.

Yes

No

I understand that determinations by the Zoning Board of Adjustment are valid for 36 months.

Yes

No

**Certification and Authorization**

By my signature hereto, I do hereby certify that the information contained in this application and the required supplemental materials is true and correct, and understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application. I do hereby authorize County staff to enter upon my property at any reasonable time for purposes of site inspection.

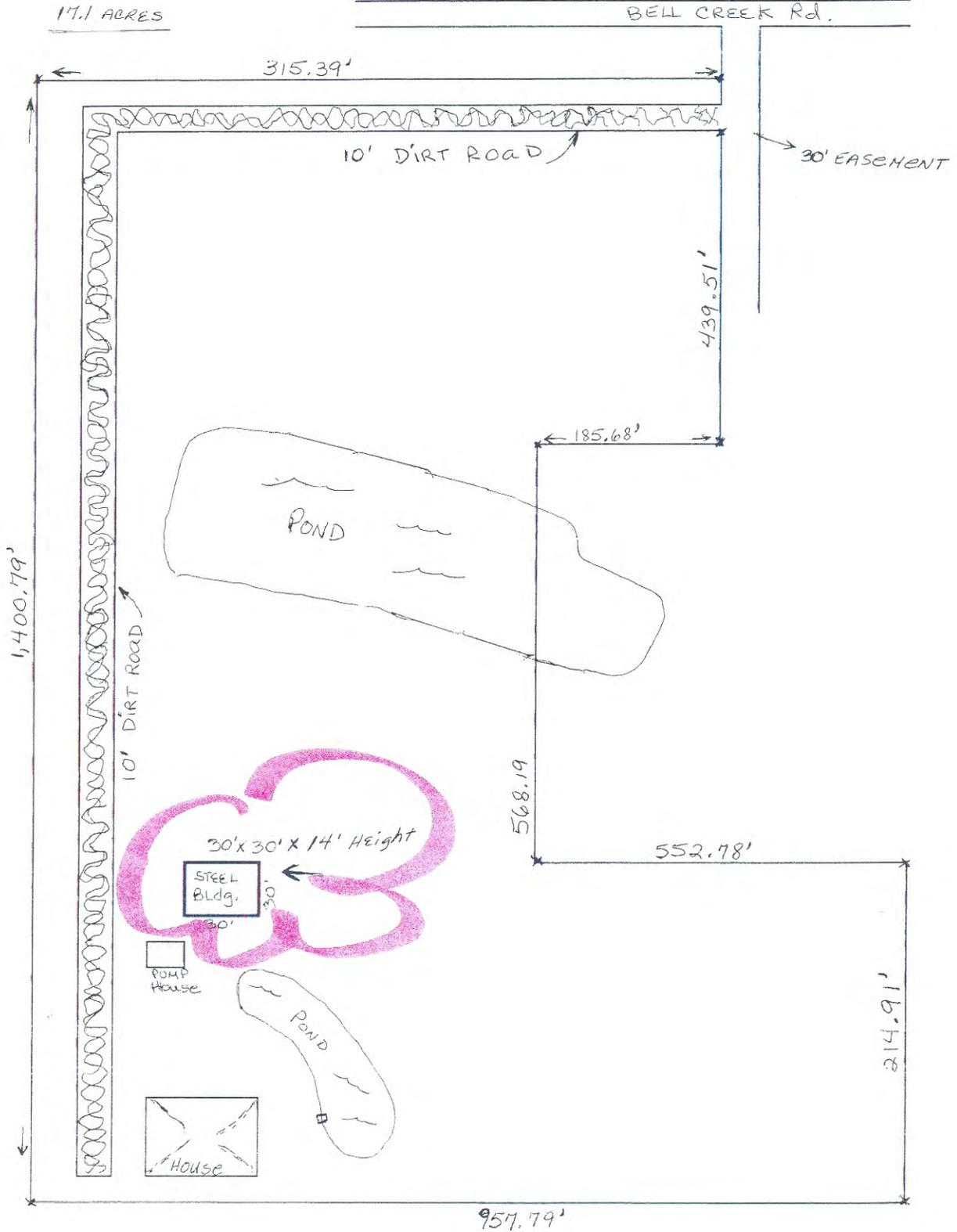
Sally HITTEN  
Applicant Name (Type or Print)

VP Wife  
Title (if applicable)

Sally A. Hitten  
Applicant Signature

10/19/2010  
Date

PETER MITTEN & wife Sally MITTEN  
1539 BELL CREEK Rd.  
JAY, FL 32565



**Case # 2010-SX-009**

**Citizen Comments**



## Leslie Statler

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**From:** Darliene Stanhope  
**Sent:** Wednesday, November 17, 2010 11:29 AM  
**To:** Leslie Statler  
**Subject:** 2010-SX-009

Slavica Fisher at 1449 Bell Creek called to express her displeasure about the special exception 2010-SX-009. She will be writing a letter to express her opposition to this request. She wouldn't have a problem with a quiet business, but not one that is loud and is subject to noise at all hours of the day and night and having 18 wheelers coming up and down the road at all hours of the day and night.

Darliene Stanhope  
Planner III  
Santa Rosa County Planning and Zoning  
Ph: 850-981-7054  
Fax: 850-983-9874

Tell us how we're doing.  
<http://www.santarosa.fl.gov/customerservice/survey.html>

<http://www.santarosa.fl.gov/zoning>